

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN (WATERLOO) DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	No. 18-CR-2034-CJW
)	
vs.)	
)	GOVERNMENT'S
RANDY CONSTANT,)	SUPPLEMENTAL
)	MEMORANDUM REGARDING
Defendant.)	SENTENCING

The United States provides this supplemental memorandum regarding sentencing. After the government filed a sentencing memorandum, defendant filed both a sentencing memorandum and a motion for downward departure or variance. Based upon those filings and to rebut factual statements therein, the United States may call an additional witness, John Burton, and may also introduce additional exhibits. If the United States intends to introduce additional exhibits, the United States will provide those to the Court and Defendant as soon as possible.

I. CASE SUMMARY

A. Witnesses:

- (1) Assistant Special Agent in Charge, USDA-OIG, Brad Meyer
- (2) Special Agent, USDA-OIG, Chris Phillips
- (3) John Burton

B. Exhibits:

- (1) 2016 Customer Deposits
- (2) 2016 Customer Purchases by Bushel

(3) Survey Excerpts

(4) Stipulation

C. Issues:

The Presentence Investigation Report (PSR) identified one issue for the Court's immediate resolution: the identification of victims and the appropriateness of a restitution award. The United States previously filed a brief addressing the victim and restitution issue as well as the appropriateness of a significant sentence for this defendant. Defendant subsequently filed a motion for a downward departure or variance. On this same day, the United States has filed a resistance to Defendant's motion for a downward departure or variance.

CERTIFICATE OF SERVICE

I certify that I electronically served a copy of the foregoing document to which this certificate is attached to the parties or attorneys of record, shown below, on August 12, 2019.

UNITED STATES ATTORNEY

BY: /s/ TVM

COPIES TO: Mark Weinhardt
US Probation

Respectfully submitted,

PETER E. DEEGAN, JR.
United States Attorney

By, */s/ Jacob A. Schunk*

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